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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/620,038 | 07/15/2003 | Justin Shimck | 6126US | 7511 |
| 30173 | 7590 | 02/19/2010 | EXAMINER | |
| GENERAL MILLS, INC. P.O. BOX 1113 MINNEAPOLIS, MN 55440 | | | BEKKER, KELLY JO | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1794 | |
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| | | | 02/19/2010 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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| APPLICATION NO./ CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
|---------------------------------|-------------|---|---------------------|
| 10620038 | 7/15/2003 | SHIMEK ET AL. | 6126US |

GENERAL MILLS, INC.
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EXAMINER

KELLY BEKKER

ART UNIT**PAPER**

1794

20100215

DATE MAILED:

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Commissioner for Patents

The 131 and all other arguments had been considered and addressed; the reply brief filed December 28, 2009 has been entered and considered; the application will be forwarded to the board for decision on the appeal.

Specifically regarding appellant's comment that "the Examiner has indicated in the past that she has never allowed an application based on a 131 affidavit...", the 131 affidavit had been considered and was not found to be persuasive as explained in the Examiner's Answer. Appellant's comment on "the examiner has indicated in the past that she has never allowed an application based on a 131 affidavit" is not well taken and is perplexing because it bears no connection to the issue under consideration.

/Lien Tran/
Primary Examiner
Art Unit 1794

/Kelly Bekker/
Examiner
Art Unit: 1794